3791.

SUPREME COURT OF THE UNITED STATES.

No. 192.

THE UNITED STATES, APPELLANTS,

vs.

ELIZABETH DE ZALDO.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE NORTHERN DISTRICT OF CALIFORNIA.

INDEX.

	Original.	Print.
Petition	3	1
Deposition of Francisco Sanchez	5	2
Exhibit "A"	7	3
"B."—Translation of grant	8	4
"C."—Conveyance	10	5
Opinion	13	6
Decree	13	7
Order	14	7
Secretary's certificate	14	7
Notice of appeal	16	8
Petition for review	16	8
Answer	18	9
Affidavit of Charles Brown, alias Carlos Moreno	18	9
Deed	20	10
Opinion by his honor Judge Ogden Hoffman	23	12
Decree	24	12
Order granting appeal	25	13
Citation	26	13
Clerk's certificate	27	14

GIDEON, Print.

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

Be it remembered, that on this eighteenth day of February, anno Domini one thousand eight hundred and fifty-three, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Elizabeth de Zaldo for a lot of land at the mission of Dolores was presented, and ordered to be filed and docketed with No. 603, and is as follows, to wit:

(Vide page 3 of this Transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

SAN FRANCISCO, *Aug.* 31*st*, 1853.

In case No. 603, Elizabeth de Zaldo for a lot at the mission of Dolores, the deposition of Francisco Sanchez, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, with document marked A. R. T. annexed thereto, was filed.

(Vide page 4 of this Transcript.)

SAN FRANCISCO, *June* 7, 1854.

Case No. 603, on motion, was ordered to be placed at the foot of the calendar of the 1st class cases on the trial docket.

SAN FRANCISCO, *Aug.* 22*d*, 1854.

Case No. 603 was submitted under the rule of 21st March, 1854.

SAN FRANCISCO, *Aug.* 29*th*, 1854.

In the same case, Commissioner R. Aug. Thompson delivered the opinion of the board rejecting the claim.

(Vide page 14 of this Transcript.)

On motion of the U. S. law agent the following order was made, to wit:

(Vide page 15 of this Transcript.)

Petition.

To the U. S. Land Commission for the ascertaining and settling of private land claims in the State of California.

The petition of Elizabeth Adelaide Summers de Zaldo respectfully showeth unto your hon. board, that she claims to be the lawful owner of a piece of land in the mission de Dolores, a description of which will be given hereafter, and for further explanation alleges—

That on the 8th of October, 1842, one Carlos Moreno applied to the alcalde of the establishment of Dolores in order to obtain of him the grant of a piece of land in said mission for the purpose of erecting a dwelling-house for himself thereon.

That Francisco Sanchez, then alcalde of said mission, on the 12th day of October, 1842, by a formal grant declared said Moreno the owner of said land.

And your petitioner further saith, that she holds the lands petitioned for, under the grant so issued to Carlos Moreno as aforesaid, and that said original grant, as well as the conveyance to your petitioner, are in her hands and ready to be exhibited in evidence whenever required.

That the piece of land is situate in the mission of Dolores and county of San Francisco, on the south side of Centre street, between Valencia and Guerrero streets; is a part of block known and laid down on the official map of San Francisco as block number thirty-nine, (39) and contains fifty Spanish varas square.

And your petitioner further saith, that said Carlos Moreno before her, and since the year 1851 she herself, has been and still is in the quiet and peaceable possession of said land, and is not aware of the existence of any title paramount or superior to her own.

She therefore claims to be the lawful owner of said land, and prays that your hon. body will confirm and validate her claim and title thereto; and your petitioner, in duty bound, will ever pray, &c., &c.

CLARK, TAYLOR & BECKH,
Att'ys for Petitioners.

Filed in office Feb'y 18th, 1853.

GEO. FISHER, *Sec.*

Deposition of Francisco Sanchez.

No. 603. OFFICE OF COMMISSIONERS OF LAND CLAIMS IN CALIFORNIA.

This day, before Com'r Robt. A. Thompson, came Francisco Sanchez, a witness in behalf of claimant, Elizabeth de Zaldo, case No. 603, who, after being duly sworn, deposed as follows:

The secretary acted as interpreter.

Present, J. Clark, esq., att'y for claimant, and A. Navarro, esq., for the law agent.

1st question by claimant's attorney. What is your name, age, and place of residence?

Ans. My name is Francisco Sanchez; I have resided, since my birth, in the present county of San Francisco; and my age is forty-eight years.

Question by same. Look at the paper marked 603, with the letter "A" and the initials R. T., now shown you and herewith filed, purporting to be a petition for and a grant of the land claimed in this case, and state what you know of its genuineness.

Ans. I recognise the paper referred to as genuine. It is a petition presented to me, and a grant made by me of a fifty vara lot in the ex-mission of Dolores, to the petitioner, Carlos Moreno.

When I filled the office of justice of the peace I also placed him in possession of the lot. He proceeded immediately afterwards to enclose it, and built a small house on it.

He and those claiming under him have continued in possession ever since, except for a short time when it was taken possession of by a squatter, who was very soon ejected by the grantee, Moreno.

And further this deponent saith not.

FRANC'O SANCHEZ.

Sworn to and subscribed before me this 31st August, 1853.

R. AUG. THOMPSON, *Com'r.*

Filed in office Aug. 31st, 1853.

GEO. FISHER, *Sec.*

Exhibit A.

S'or Juez de Paz Primero:

Carlos Moreno, Mejicano naturalizado y avecindado en la jurisdiccion de su mando ante usted se presenta y dice; que teniendo qe. establecer una casa, para el vereficio de su persona solicita cincuenta varas en el establecimiento de Dolores contiguo al solar del ciud'o Candelaria Valencia al E.

P. S. A. Usted suplica el esponente que en uso de sus facultades se le conceda lo que pide en lo que recibira gracia haciendo la presente con papel comun pr. falta del que corresponde jurando no ser de malicia, y lo necesario, &c.

San Francisco, Octubre ocho de mil ochocientos cuarenta y dos.

CARLOS MORENO.

En el establecimiento de Dolores, a los 12 dias del mes de Octubre de 1842, por presentado y admitido se le conceda en propiedad perpetua al interesado el solar qe. solisita de cincuenta varas per cada rumbo formando cuadro bajo las condiciones siguientes:

1a. Que debera dentro del preciso terreno de un año, tener sacado su solar y fabricar su casa en el si pudiere.

2. Se conformara en todo y por todo con sus reglamentos de policia establecidos por establecer; sujetandose a pagar el derecho qe. le toca segun de la matina.

3a. La falta de observancia del articulo 1a hara puder al interesado las derechos al solar, en caso qe. no tengo algun inconbiniente justo qe. se lo impida y contrabeniendo al segundo incurria en las penas qe. se le infligan segun las leyes y para qe. le sirva de titulo de posecion en forma segun lo dispuesto por el gobierno de-

partamental le doy este f'ha ut supra habiendo tomado razon de el registro qe. corresponde en lo qe. doy fé.

FRANC'O SANCHEZ.

De ass'a: JOSE MARIA SANTA MARIA.

D'ros 12 ps. 4 rs. Pagado.

COUNTY OF SAN FRANCISCO, *ss.*

On the 26th day of September, 1850, came and appeared before me José Maria Santa Maria, and to me personally known, and made oath that the foregoing deed as executed by the said Francisco Sanchez, in the presence of said Maria, and that the said Maria subscribed his name thereto, at the time of the execution thereof, as a subscribing witness.

ROD. R. MORRISON,
County Judge.

Recorded in the county recorder's office, San Francisco co., in book No. 1, Spanish records, pages 13 and 15, Sept'r 26th, A. D. 1850, at 10 o'clock a. m.

JOHN A. McGLYNN,
County Recorder.
By JAS. O. GRADY, *Deputy.*

Filed in office Feb'y 18th, 1853.

GEO. FISHER, *Sec'y.*

"B."—*Translation of Grant.*

Mr. Justice of the Peace, the First:

Carlos Moreno, a Mexican by naturalization, and a resident in the jurisdiction of your command, before you appears, and says: that having to establish a house for his personal benefit, he petitions for fifty varas in the establishment of Dolores, adjoining the lot of the citizen Candelario Valencia to the eastward; inasmuch your petitioner begs of you that, in use of your faculties, his petition may be granted, thus receiving grace—writing the present on common paper for the want of the corresponding one, swearing not to act with malice, and the necessary, etc.

San Francisco, Oct. 8th, 1842.

(Signed) CARLOS MORENO.

Establishment of Dolores, on the 12th day of the month of October, 1842.

For presented and admitted, the perpetual ownership is granted to the interested parties of the lot which he solicits of fifty varas at each wind, forming a square, under the following conditions:

First. That he shall, in the precise time of a year, have his lot fenced, and shall build a house, if he can.

Second. That he shall conform, in every respect, to the regula-

tions of police, established and to be established, subject to pay the corresponding fee, according to the proclamation upon the matter.

Third. The want of compliance with the article the first will make the interested party lose his right to the lot, unless he does not show cause for a just impediment; and if he contravenes to the second, he will incur in the penalties that will be inflicted according to the laws; and in order that this may answer for a title of possession in due form, according to the decree of the departmental government, I give this date as above, having recorded it in the corresponding book of records, to which I attest.

(Signed) FRAN. SANCHEZ.

Of assist., &c.: JOSE MARIA SANTA MARIA.

Fees paid, $12 4 reals.

Filed in office Feb'y 18th, 1853.

GEO. FISHER, *Sec'y.*

"C."—*Conveyance.*

STATE OF CALIFORNIA,
County of San Francisco.

This indenture, made the eleventh day of December, one thousand eight hundred and fifty-one, between Russell C. Perkins, at present of Sacramento city, in the State of California, of the first part, and Elizabeth Adelaida Summers de Zaldo, wife of Ramon de Zaldo, of the mission Dolores, in the county of San Francisco, State aforesaid, of the second part, witnesseth: That the said party of the first part, for and in consideration of the sum of twelve hundred dollars, lawful money of the United States, to him in hand paid by the said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, convey and confirm, unto the said party of the second part, and unto her heirs and assigns forever, all the following described piece or lot of land, situate in that part of the city of San Francisco known as the mission Dolores, on the south side of Centre street, between Valencia and Guerrero streets, and being (50) fifty varas square, and a part of block number (39) thirty-nine, as laid down on the map or plat of said city, and being the same premises occupied, at the date of this conveyance, by the said Ramon de Zaldo and family, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in, or to the above described premises, and every part or parcel thereof, with the appurtenances:

To have and to hold all and singular the above-mentioned and described premises, together with the appurtenances, unto the said party of the second part, her heirs and assigns forever.

And the said Russell C. Perkins, for himself and his heirs, doth hereby covenant and agree, that at the delivery hereof, he is the lawful owner of the premises above granted, and seized of a good and indefeasible estate of inheritance therein, clear of all incumbrance whatsoever, of every name or nature.

And the said Russell C. Perkins, for himself and his heirs, the said premises, in the quiet and peaceable possession of the said party of the second part, her heirs and assigns, against the said party of the first part, and his heirs, and against all and every person whomsoever, lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend.

In witness whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

RUSSELL C. PERKINS. [SEAL.]

Signed, sealed and delivered in presence of—
E. W. TAYLOR.

STATE OF CALIFORNIA,
County of San Francisco.

On this twelfth day of December, A. D. one thousand eight hundred and fifty-one, before me, a notary public, within and for the county aforesaid, personally appeared Russell C. Perkins, known to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that he did the same freely and voluntarily, and for the uses and purposes therein mentioned.

In testimony whereof, I have hereunto set my hand and seal of office the day and year first above written.

E. W. TAYLOR, *Notary Public.*

SAN FRANCISCO, *California.*

Recorded in county recorder's office of San Francisco, Dec'r 13th, 1851, in liber 8 of deeds, pages 271, &c., at 2½ o'clock p. m.

JNO. McGLYNN, *County Recorder.*
Pr. M. E. HORUAGER.

Filed in office Feb'y 18th, 1853.

GEO. FISHER, *Sec.*

Opinion.

ELIZABETH DE ZALDO
vs.
THE UNITED STATES. } No. 603.—50 vara lot.

This is a claim for a fifty vara lot, situated in the former mission of Dolores, and now embraced within the chartered limits of the city of San Francisco.

It purports to be founded on a grant made by Francisco Sanchez, justice of the peace, to one Carlos Moreno, bearing date the 12th of October, 1842. The genuineness of the grant, the delivery of possession to the grantee, and his subsequent occupation of the premises, are proven by the deposition of said Sanchez.

The present occupant derives her title by virtue of a deed executed to her by one Russell C. Perkins, on the 11th of December, 1851, and duly acknowledged before E. W. Taylor, notary public, on the 12th of December of the same year. There is no evidence of any conveyance from the original grantee to said Perkins, nor of any connexion whatsoever between the title of the present claimant and that of said original grantee.

The claim must therefore be rejected.

Decree.

ELIZABETH DE ZALDO
vs.
THE UNITED STATES.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the petitioner is not valid, and it is therefore decreed that his application for a confirmation thereof be denied.

ALPHEUS FELCH,
R. AUG. THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in office Aug. 29th, 1854.

GEO. FISHER, *Sec.*

Order.

And it appearing to the satisfaction of this board that the land hereby adjudicated is situated in the northern district of California, it is hereby ordered, that two transcripts of the proceedings and of the decisions in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the secretary, one of which transcripts shall be filed with the clerk of the United States district court for the northern district of California, and the other be transmitted to the Attorney General of the United States.

Secretary's Certificate.

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing fifteen pages, numbered from 1 to 15, both inclusive, to contain a true, correct and full transcript of the record of the proceedings and of the decision of the said

board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 603 on the docket of the said board, wherein Elizabeth de Zaldo is the claimant against the United States for the place known by the name of "A lot of land at the mission of Dolores."

In testimony whereof, I hereunto set my hand and affix my private seal, (not having a seal of office,) at San Francisco, California, this thirtieth day of December, A. D. 1854, and of the independence of the United States of America the seventy-ninth.

GEO. FISHER, *Sce'y.*

Endorsed: Filed January 9th, 1855.

JOHN A. MONROE, *Clerk.*

Notice of Appeal.

ELIZABETH DE ZALDO vs. THE UNITED STATES. } Number 603 on the docket U. S. land commission.

To the Clerk of the District Court of the United States for the northern district of California.

Notice is hereby given, in conformity with the act of Congress, that the above named claimant hereby appeals from the decision of the board of land commissioners rejecting this claim for a lot of land in the mission Dolores.

ELIZABETH DE ZALDO.

By her Attorneys, STANLY & KING.

San Francisco, May 8th, 1855.

Endorsed: Filed May 8th, 1855.

JOHN A. MONROE, *Clerk.*

Petition for Review.

Docket No. 145.

ELIZABETH A. DE ZALDO vs. THE UNITED STATES. } Appeal.

To the Hon'ble Ogden Hoffman, jun'r, Judge of the United States Court for the northern district of California.

The petition of Elizabeth A. de Zaldo, a citizen of California, respectfully represents: That under the provisions of the act of Congress of the 3d March, 1851, she presented a petition to the commissioners appointed under the said act to examine claims to lands in California, praying for the confirmation of her claim to the lot of land therein described of fifty varas square, situate at the mission Dolores, in the county of San Francisco, under a grant made by Francisco Sanchez, justice of the peace, to one Carlos Moreno, bearing date the 12th of October, 1842, and accompanied it

by evidence of her title, and to which, for more full and particular description, she begs leave to refer.

That her said claim, being designated as No. 603 on the docket of the said commissioners, was rejected by them on the 29th of August, 1854; that the said land is situate within the limits of the northern district of California; that a transcript of the proceedings and decision of the commissioners in the case was filed in the office of the clerk of the court for that district on the 9th January, 1855, and on the 8th of May, 1855, notice was filed with the said clerk that your petitioner appealed from such decision.

Your petitioner prays for a re-hearing of the case upon this appeal; that the said decision of the commissioners may be reversed and annulled, and that the court will make such decree and order as may be necessary and proper to recognise, confirm, and declare valid her title and claim to the premises mentioned and referred to in her said petition and evidences of claim.

And your petitioner will ever pray, &c.

STANLY & KING,
Att's for Claimant.

San Francisco, 11th June, 1855.

Received a copy this day, June 11th, 1855.

S. W. INGE, *U. S. Dist. Att'y.*
Pr. JOHN A. GODFREY.

Endorsed: Filed June 11th, 1855.

JOHN A. MONROE, *Clerk.*

Answer.

In the District Court of the United States for the northern district of California.

ELIZABETH A. DE ZALDO, Appellant,
vs.
THE UNITED STATES, Appellee.

The United States, by their attorney, deny the validity of the title set out in the petition of the said appellants, and pray that the decision of the board of commissioners be affirmed, and that the said title be decreed to be invalid.

A. GLASSELL,
Ass't U. S. Att'y.

Endorsed: Filed June 11th, 1855.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Affidavit of Chas. Brown, alias Carlos Moreno.

STATE OF CALIFORNIA,
County of San Francisco.

On this 20th day of August, 1855, personally appeared before

me Charles Brown, of the mission Dolores, city and county of San Francisco, and personally known to me, who being duly sworn, deposeth and saith: That he has been a resident of California for the last twenty-five years; that when he first came here, and for some time thereafter, there were comparatively few residents who understood or spoke the English language, and that hence, although his true and proper name is Charles Brown, he was generally known to and called by the natives and residents by the name of Carlos Moreno (that being the Spanish of his true name), and that, under and by that name, he obtained in October, 1842, from Francisco Sanchez, the proper justice of the peace under the then local government for making the same, a grant of the fifty vara lot at the said mission Dolores, which he conveyed to Russell C. Perkins, and which said Perkins subsequently conveyed to Mrs. Elizabeth A. de Zaldo, and for which said lot the affiant has since given a quit-claim deed to the said Mrs. de Zaldo; that the lot so granted to him by his Spanish name of Carlos Moreno is the identical one which has been occupied by Mrs. de Zaldo and family since her purchase from Perkins, and is so now; also, that the affiant has no interest or claim to the said lot.

CHARLES BROWN.

Sworn and subscribed before me this 20th day of August, A. D. 1855.

[L. S.] T. A. LYNCH, *Not. Pub.*

It is hereby stipulated, that the within affidavit be taken and considered for all purposes as regularly taken deposition. March 13, 1856.

A. GLASSELL,
Ass't U. S. Att'y.

Endorsed: Filed August 31st, 1855.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Deed.

This indenture, made this eleventh day of January, one thousand eight hundred and fifty-five, between Charles Brown, of the city and county of San Francisco, State of California, party of the first part, and Elizabeth Adelaida Summers de Zaldo, of the same city, party of the second part, witnesseth: That whereas, for a good and sufficient consideration, the said party of the first part heretofore sold and conveyed, by a good and sufficient deed, the following described piece or parcel of ground unto Russell C. Perkins, who subsequently sold and conveyed the same unto the said de Zaldo, the hereunto party of the second part, as will more fully and at large appear by the deed from him to her, of record in the proper office of the county of San Francisco, and to which reference is hereby made; and whereas, in consequence of the said deed from

the hereunto party of the first part to said Perkins not appearing of record, doubts might arise as to his right to make such sale and conveyance to the said de Zaldo: Now, therefore, to remove all such doubts and to vest in the said de Zaldo any and all claim or title which the party of the first part might have had, or may have, of, in, and to the hereinafter described lot or parcel of ground, the said party of the first part, for and in consideration of the premises and the sum of five dollars, to him in hand paid by the said Elizabeth A. S. de Zaldo, party of the second part, the receipt of which is hereby acknowledged, has sold, remised, released, relinquished, conveyed, and quit-claimed, and by these presents does sell, remise, release, relinquish, convey, and quit-claim unto the said party of the second part, and to her heirs and assigns, forever, all that piece or lot of land situate in that part of the city of San Francisco, known as the mission Dolores, on the south side of Centre street, between Valencia and Guerrero streets, and being fifty (50) varas square, and a part of the block numbered thirty-nine, (39,) as laid down on the map or plat of said city, and being the same premises sold and conveyed to her, the said party of the second part, by the before referred to deed from Perkins, and then and now occupied by the said party of the second part, and family: to have and to hold the said described lot or parcel of ground, with the rights, privileges, and appurtenances to the same belonging, unto the said party of the second part, her heirs and assigns, forever.

And the said party of the first part, for himself and his heirs, hereby covenants and agrees to and with the said party of the second part, her heirs, executors, administrators, and assigns, that he and they shall and will at any and at all times thereafter, at the cost and charges of the said party of the second part, her heirs and assigns, make, execute, and deliver any and all other deeds or other assurances in the law, for the more effectual release and quit-claim of all title or right to the said lot and premises, in favor of the said party of the second part, her heirs and assigns, that she or they, or her, or their counsel, learned in the law, shall or may reasonably devise, advise, or require for the more full and perfect conveyance and transfer of any and all claims of the said party of the first part, of, in, and to the said lot or parcel of ground and premises.

In testimony whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written, the words, "the party of the first part" being first interlined between the words "which" and "might," in the 10th line from bottom of 1st page.

CHARLES BROWN.

Signed, sealed, and delivered in presence of—

SAM. D. KING,

LEANDER RANSOM.

STATE OF CALIFORNIA,
County of San Francisco, ss.

On this twenty-fourth day of May, A. D. one thousand eight hundred and fifty-five, before me, William Hart, a notary public, in and for said county, personally appeared Charles Brown, to me personally known to be the individual described in and who executed the annexed instrument, and acknowledged that he executed the same freely and voluntarily, for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and affixed my official seal, the day and year first above written.

[L. S.] WM. HART, *Notary Public.*

Recorded in county recorder's office, San Francisco, May 25th, 1853, at 11 a. m., in liber 51 of deeds, page 662.

JAMES GRANT, *County Recorder.*
Pr. JOHN A. CLARK, *Deputy.*

Endorsed: Filed August 31st, 1855.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Opinion by his Honor Judge Ogden Hoffman.

ELIZABETH DE ZALDO
vs.
THE UNITED STATES.

The claim in this case is for a fifty vara lot in the former mission of Dolores. It is founded on a grant by Francisco Sanchez, justice of the peace, to one Carlos Moreno, or Charles Brown.

The genuineness of the grant and the delivery of possession to the grantee are fully proven. The claim was rejected by the board, for want of the necessary mesne conveyance to connect the title of the present claimant with that of the original grantee. That defect has been supplied in this court, and no objection to the confirmation is perceived by us, or is suggested on the part of the U. S.

No. 145.—*Decree.*

In the District Court of the United States for the northern district of California.

ELIZABETH DE ZALDO
vs.
THE UNITED STATES.
Decree of Confirmation.

Stated Term, March 24, 1856.

This cause coming on this day to be heard, upon the transcript of the proceedings and decision of the board of land commissioners of the United States to ascertain and settle the private land claims in the State of California, and all the papers and evidence

in the case, and the pleadings filed in this court, and counsel having been heard on the part of the United States and for the claimant: In consideration of all which, the court is of opinion that there is error in the decision of the said board, and that the same should be, and is hereby, reversed.

And this court doth adjudge, order and decree, that the title of the said claimant to the land described in said transcript is valid, and the same is hereby confirmed.

The land of which confirmation is hereby made, is the lot of fifty varas square at the former establishment of Dolores, which has been and is in the possession of the claimant under conveyances from the original grantee, Carlos Moreno, and is the same which he petitioned for, and which was granted to him on the 12th of October, 1842, as being then adjoining the lot of Candelario Valencia to the eastward.

OGDEN HOFFMAN, JR.,
U. S. Dist. Judge.

Endorsed: Filed March 24th, 1856.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Order granting Appeal.

At a stated term of the district court of the United States of America for the northern district of California, held at the court-room in the city of San Francisco, on Saturday, the 14th day of August, in the year of our Lord one thousand eight hundred and fifty-eight.

Present, the Honorable Ogden Hoffman, district judge.

THE UNITED STATES
vs.
ELIZABETH DE ZALDO. } D. C. 145.—L. C. 603.

In this case, on application of P. Della Torre, esq., U. S. attorney, it is ordered, that an appeal in behalf of the United States from the final decision of the court, rendered in said cause at the December, 1855, term, be, and the same is hereby, granted, and that a certified transcript of the pleadings, evidence, depositions and proceedings in the said cause be sent to the Supreme Court of the United States without delay, and the appellants are ordered to serve the usual citation, according to law.

OGDEN HOFFMAN, *Dist. Judge.*

Endorsed: Filed August 14th, 1858.

W. H. CHEVERS, *Clerk.*

Citation.

The United States of America to Elizabeth de Zaldo, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States to be holden in Washington, on